UNITED STATES DISTRICT COURT		
SOUTHERN DISTRICT OF NEW YORK		
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	:	
UNITED STATES OF AMERICA		
	:	ORDER OF
- V		FORFEITURE AS TO
	:	SUBSTITUTE ASSETS
MICHELLE FALSETTA,		
	:	07 Cr. 1232 (WHP)
Defendant.		

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WHEREAS, on or about December 28, 2007, MICHELLE FALSETTA (the "defendant"), was charged in a one-count Information, 07 Cr. 1232 (WHP) (the "Information"), with distributing and possessing with intent to distribute anabolic steroids, in violation of Title 21, United States Code, Sections 812 and 841(b)(1)(D) (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense charged in Count One of the Information and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of the Information, including but not limited to proceeds obtained as a result of the offense charged in Count One of the Information;

WHEREAS, the Information also included a substitute asset provision providing notice that if as a result of the defendant's actions or omissions forfeitable property is unable to be located or obtained the United States will seek, pursuant to Title 21, United States Code, Section 853(p), the forfeiture of any other property of the defendant;

WHEREAS, on or about June 24, 2008, the defendant pled guilty to Count One of the Information:

WHEREAS, on or about April 24, 2009, the defendant was sentenced and ordered to forfeit, *inter alia*, \$4,900.00 in United States currency, representing the amount property involved in the offense charged in Count One of the Information;

WHEREAS, on or about April 30, 2009, the Court entered a Preliminary Order of Forfeiture/Money Judgment (the "Order of Forfeiture") imposing a money judgment against the defendant in the amount of \$4,900.00 (the "Money Judgment");

WHEREAS, to date, \$2,500 of the Money Judgment against the defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the defendant, the United States has not been able to locate, obtain or collect assets traceable to the proceeds of the defendant's offenses, despite the exercise of due diligence in investigating the assets of the defendant; and

WHEREAS, the Government has identified the following specific assets in which the defendant has an ownership interest:

 a. approximately \$2,200.00 in United States currency, which was seized from the defendant on or about September 21, 2007 on 89th Street, New York, New York;

(the "Substitute Asset")

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the defendant's right, title and interest in the Substitute Asset is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

- 2. Upon entry of a Final Order of Forfeiture, the Substitute Asset, shall be applied towards the Money Judgment entered against the defendant.
- 3. Upon entry of this Preliminary Order of Forfeiture of Substitute Asset, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Asset and to keep it in its secure custody and control.
- 4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the defendant in this case, claiming an interest in the Substitute Asset must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.
- 5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Asset and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

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6. The United States may also, to the extent practicable, provide direct written

notice to any person, other than the defendant, known to have an alleged interest in the Substitute

Asset, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final

Order of Forfeiture with respect to the Substitute Asset, pursuant to Title 21, United States Code,

Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of

Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of

Criminal Procedure 32.2(e).

9. The Clerk of the Court shall forward four certified copies of this Preliminary

Order of Forfeiture as to Substitute Assets to Assistant United States Attorney Alexander J.

Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United

States Attorney's Office, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York

August 19,2021

SO ORDERED:

HONORABLE LEWIS J. LIMAN

UNITED STATES DISTRICT JUDGE

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